In the United States Court of Federal Claims

No. 13-269C (Filed March 21, 2014) NOT FOR PUBLICATION

ORDER

The government filed a motion to transfer this case back to the United States District Court for the Southern District of California, arguing that we lack subject-matter jurisdiction over Fair Labor Standards Act claims under its reading of United States v. Bormes, 133 S. Ct. 12, 18-19 (2012). Plaintiff does not oppose the motion. The Court has elsewhere disagreed with the government's argument, see Farzam v. United States, 13-075C, 2013 WL 5819273 (Fed. Cl. Oct. 29, 2013), and the Federal Circuit has today issued an opinion rejecting the government's reading of Bormes. See Abbey v. United States, No. 2013-5009, Slip Op. at 10-17 (Fed. Cir. Mar. 21, 2014). Under this binding precedent, our Court and not the district court would possess jurisdiction over plaintiff's claim, under the Tucker Act, and accordingly the motion to transfer is **DENIED**. The Joint Preliminary Status Report shall be filed on or by **Monday, April 21, 2014**.

IT IS SO ORDERED

s/ Victor J. Wolski

VICTOR J. WOLSKI Judge

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT:	RICHARD C. CHU ET AL) Group Art Unit) 3743
SERIAL NUMBER:	09/965,037) Examiner:
FILED:	September 27, 2001	Patel
FOR:	TRANSPIRATION COOLED HEAT SINK AND A SELF CONTAINED COOLANT SUPPLY FOR SAME)))
	I hereby certify that this correspondence is being transmitted to the United States Patent	

being transmitted to the United States Patent & Trademark Office via facsimile to facsimile Number 571-273-8300 on August 31, 2005

Sheila Smedick

Out Signature

Signature

Sheila Smedick

8-3/:05

date

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO OFFICE ACTION

In response to the Office Action mailed June 2, 2005, Applicants request reconsideration in view of the following amendments and remarks.